

Notice of Allowability

Application No.

09/887,561

Examiner

Eric B. Kiss

Applicant(s)

NEVILL, EDWARD COLLES

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the appeal brief filed 16 March 2006.
2. ☒ The allowed claim(s) is/are 1-16 and 20-28.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


TUAN DAM
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

1. In view of the appeal brief filed on March 16, 2006, PROSECUTION IS HEREBY REOPENED. Claims 1-16 and 20-28 are allowed.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.

Response to Arguments

2. Applicant's arguments, see the appeal brief filed March 16, 2006, at pp. 8-15, with respect to claims 1-16 and 20-28 have been fully considered and are persuasive. The rejections of claims 1-16 and 20-28 have been withdrawn.

Allowable Subject Matter

3. Claims 1-16 and 20-28 are allowed.

4. The following is an examiner's statement of reasons for allowance:

Applicant describes as prior art the technique of using a return instruction for both the situation in which code must return processing to a non-native instruction and in which code must return processing to a native instruction. (See Specification (06/25/2001) at pp. 2-5; Figs. 14-17.) Applicant describes the prior art problem of having to test, prior to making a return, whether that return is to a native calling program or a non-native calling program, *i.e.*, the prior art "return" instruction does not, itself, convey this information. (See Specification (06/25/2001) at pp. 3-4.) Applicant's claimed invention recites the use of two new types of return instructions: a "return to non-native" instruction and a "return to native" instruction. (*E.g.*, Claims 1, 15, and 20.) The specification describes these instructions as being "separate and distinct" from the prior art return instruction and effectively coding into the program the nature of the return to be made,

Art Unit: 2192

(Specification (06/25/2001) at p. 6)—indeed, Applicant has repeatedly asserted this interpretation of the claimed terms as a reason why the claims define over the prior art. (*See, e.g.,* Appeal Brief (03/16/2006) at p. 14; Remarks (11/24/2004) at pp. 7-8; Remarks (04/07/2004) at pp. 10-12.) The prior art of record fails to teach or fairly suggest the separate and distinct “return to non-native” and “return to native” instructions that code into the program the nature of the return to be made, in the context of the instruction interpreter recited in each of independent claims 1, 15, and 20.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric B. Kiss whose telephone number is (571) 272-3699. The Examiner can normally be reached on Tue. - Fri., 7:00 am - 4:30 pm. The Examiner can also be reached on alternate Mondays.


If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tuan Dam, can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 2192

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature should be directed to the TC 2100 Group receptionist:
571-272-2100.

EBK/EPK
May 25, 2006



TUAN DAM
SUPERVISORY PATENT EXAMINER